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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,315	12/15/2003	Thomas E. Creamer	BOC9-2003-0080 (454)	5476
40987	7590	12/15/2005		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER WIN, AUNG T	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/736,315	Applicant(s) CREAMER ET AL.	
	Examiner Aung T. Win	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>jun 30 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Neary (US Publication Number: US 20020076008A1).

Regarding Claim 1, Neary discloses a method of testing a voice response system comprising:

Establishing a voice call over voice network 14 [Figure 1] [Figure 7] [Figure 8] between a system with automated call generator (ACG) units [Paragraph 0015] [Column 17] [Column 19] and the interactive voice response (IVR) system; (Reads on establishing a voice link step)

Sending coded signal to the ACG unit over the network 14 (reads on sending step) (coded signal is an execution information for receiving the actual utterance) [See preceding coded DTMF signals in Figure 4, Figure 5 and 7A] [Paragraph 30] [Paragraph 0022-0024]

Playing the actual utterance (such as "one" in Figure 4 and "Press one for date" in Figure 5 and 7A) to the ACG unit over the voice network 14. (read on claimed playing voice prompts step).

Claim 7 is the apparatus claim rejected for the same reasons as stated above in Claim 1 rejection because claimed steps executed by claimed means are substantially closed to corresponding steps of Claim 1. Claimed steps of Claim 1 must have had corresponding means for executing of Claimed steps of Claim 1.

Claim 13 is rejected for the same reasons as stated above in Claim 1 rejection because the claims steps substantially read on the corresponding steps of Claim 1. A machine readable storage containing a computer program comprises sequences instructions is inherently included in the system to execute the claimed steps. Furthermore, Neary discloses that both ACG unit and IVR system are preprogrammed [Paragraph 0019], thus ACG unit and IVR system include the computer program as claimed to perform such claimed steps for testing the IVR system for call-flow verification.

Regarding Claims 2, 8 & 14, Neary's method discloses that the coded signal (execution information) comprises one or more dual tone multi-frequency signals. [See preceding coded DTMF signals in Figure 4, Figure 5 and 7A] [Paragraph 0030]

Regarding Claims 3, 9 & 15, Neary's method further discloses that the coded signal specifies present coding protocol format i.e., information regarding operational protocol of the voice response system (reads on information regarding execution of operational software of the voice response system) [Paragraph 30, Line 12-18] [Paragraph 51, Line 2-5] [Paragraph 53, Line 5-14].

Regarding Claims 4, 10 & 16, the actual utterance received from the voice response system is the speech recognizing voice prompts because the utterance is the speech.

Regarding Claims 5, 11 & 17, Neary's method teaches the comparing steps to compare the received actual utterance i.e., "Enter Date" in response to the voice command "1" (speech recognized voice prompts) with previously stored expected utterance i.e., previously stored voice prompt in response to voice command "1" (an expected voice prompt). [Also See Figure 8] [Paragraph 0036 & 0037]

Regarding Claims 6, 12 & 18, Neary further teaches the comparing step is for comparing the received DTMF coded signals (execution information) to stored DTMF signals (expected execution information) in order to identify discrepancies for call-flow verification purposes [Paragraph 0036, Line 13-16].


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
Group Art Unit 2645
December 12, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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